REMARKS

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Claims 233, 236, 237, 244 and 245 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nishoika et al. (US 5,995,626).

According to the rejection, the mutual authentication process between the mobile user terminal and the examination terminal is allegedly disclosed in col. 5, lines 16-32 of Nishioka. However, Nishioka does not disclose or teach that the mobile user terminal examines the examination terminal.

The applicant's understanding is that it is alleged by the examiner that generating C4 corresponds to examining the examination terminal. The applicant respectfully disagrees. In Nishioka "a fourth cipher text C4 which is obtained by enciphering a cipher text, which is obtained by removing the influence of the first inforamtion from the second cipher text C2" (col. 5, lines 16-32). The first apparatus does not remove the influence of the second information from the second cipher text C2. Therefore the second apparatus is not authenticated by the user terminal.

Furthermore, according to col. 5, lines 29-32, the first apparatus "transmits the third cipher text C3, the fourth cipher text C4 and the digital signature sgnA(P) to the second apparatus through the communication network." However, after that, the first apparatus does not receive any data in response to the C3, the C4, and the digital signature sngA(P). It is impossible for the first apparatus to examine the second apparatus or the third apparatus. Therefore it is impossible for the user site apparatus 10 of Nishioka to examine the retail store site apparatus 30 or the credit company site apparatus 40.

In addition, it is allegedly disclosed that the examination terminal examines a validity of the electronic value card information held by the mobile user terminal (in the "Response to Arguments" of the Office Action). However, the applicant respectfully disagrees because the

smart card of Nishioka illustrated in Fig. 3 does not have any variable value data but key information.

The Examiner is reminded that anticipation requires the disclosure, in a prior art reference, of each and every limitation as set forth in the claims. *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 USPQ2d 1081 (Fed. Cir. 1986); *Akzo N.V. v. U.S. International Trade Commissioner*, 1 USPQ2d 1241 (Fed. Cir. 1986). There must be no difference between the claimed invention and reference disclosure for an anticipation rejection under 35 U.S.C. § 102. *Scripps Clinic and Research Foundation v. Genetech, Inc.*, 18 USPQ2d 1001 (Fed. Cir. 1991); *Studiengesellschaft Kohle GmbH v. Dart Industries*, 220 USPQ 841 (Fed. Cir. 1984).

In view of the above, the present claims are not anticipated by the cited art and consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185, under Order No. 22223-00001-US from which the undersigned is authorized to draw.

Dated: October 24, 2008

Respectfully submitted,

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